

**FREDERICK COUNTY BOARD OF APPEALS**  
**STAFF REPORT FOR JANUARY 27, 2022**

**Case Number:** B-22-03 (267700)

**Applicant:** Brooke Lane Behavioral Services Inc.

**Appeal:** Requesting a Temporary Special Exception to continue a previously approved public charter elementary school in the ORI zone.

**Location:** Property identified as 4540 Mack Avenue, Frederick MD 21703, Tax Map 86, Parcel 0207, Tax ID 017357, Zoning - Limited Industrial (LI), 1.54 Acres.

**Planning Region:** Frederick

**Zoning District:** Limited Industrial (LI)

**Comp. Plan Designation:** Limited Industrial

**Applicable Ordinances:** Sec. 1-19-3.210 Special Exceptions  
Sec. 1-19-5.310 Use Table  
Sec. 1-19-8.300 Temporary Structures and Uses Requiring Special Exception Approval

**Background:**

Brook Lane is a private, not for profit center, which provides mental health services, including inpatient care, partial hospitalization, outpatient treatment, consultations, psychiatric rehabilitation programs, and educational services and evaluation programs. These services are provided to children, adolescents, adults, and elderly adults on an individual, family, and peer-group basis. The private school, which is located on the Property identified above, is similar in design to another satellite school program located in Washington County.

The days and hours of operation of the private school are Monday through Friday, from 8:00 a.m. until 4:00 p.m. The students are in attendance Monday through Friday, from 8:30 a.m. until 2:30 p.m. The staff includes the following: one (1) teacher and one (1) assistant for every nine (9) or ten (10) students; there will be approximately five (5) therapists; one (1) principal; one (1) receptionist; one (1) librarian; and, one (1) resource teacher present at the private school during the above-referenced hours of operation

The Board originally approved this temporary use on April 26, 2007, as part of B-07-13. The school subsequently renewed their temporary approval on February 28, 2019 and were granted approval to expand the school from 45 to 65 students. Staff increased from 18 staff to 65 staff, and school size increase from 9600 sq.ft. to 19,200 sq.ft.

Section 1-19-5.310 of the Frederick County Zoning Code, Use Table indicates a public school is allowable in the LI Zoning District with a Temporary Special Exception approval.

Section 1-19-11.100 of the Frederick County Zoning Code, defines *PUBLIC SCHOOL* as "An educational program for students approved by the Maryland State Department of Education for

the teaching of children or adults including elementary and secondary schools, and similar facilities. Charter schools funded by the state are included in this definition.”

Section 1-19-8.300 of the Frederick County Zoning Code, Temporary Structures and Uses Requiring Special Exception Approval states:

Temporary special exceptions may be granted by the Board of Zoning Appeals for the uses indicated by the letter “T” in Section 1-19-5.310 for each district. A temporary special exception permit is valid for no longer than 1 year from date of issuance. Such temporary special exceptions may be renewed upon approval of the Board. The applicant shall provide the names and addresses of all adjoining property owners who shall be notified of any renewal. If the temporary use shall exist for 5 years, the Board of Zoning Appeals shall hold a hearing prior to the issuance of the subsequent renewal.

**Proposal:**

The Applicant is requesting the Board’s approval to continue the previously approved charter school use with no changes. The school is currently approved to occupy the entire 19,200 square foot building. The school is occupied Monday through Friday from 8:45am to 4pm. The Applicant does not anticipate making any significant use of the property during evening hours. Students are dropped off between 8:45am and 9am and picked up in the afternoon from 3:30pm to 4pm.

**General Criteria – Special Exception:**

Under the provisions of Section 1-19-3.210(B) of the County Zoning Ordinance, a special exception shall be granted when the Board finds that:

1. The proposed use is consistent with the purpose and intent of the Comprehensive Development Plan and of Chapter of the Frederick County Code; and
2. The nature and intensity of the operations involved in or conducted in connection with it and the size of the site in relation to it are such that the proposed use will be in harmony with the appropriate and orderly development of the neighborhood in which it is located; and
3. Operations in connection with the special exception at the proposed location shall not have an adverse effect such as noise, fumes, vibration or other characteristics on neighboring properties above and beyond those inherently associated with the special exception at any other location within the zoning district; and
4. Parking areas will comply with the off street parking regulations of this chapter and will be screened from adjoining residential uses, and the entrance and exit drives shall be laid out so as to achieve maximum safety.
5. The road system providing access to the proposed use is adequate to serve the site for the intended use.

**Actions Needed:** Staff requests that the Board review the criteria for Special Exception under Section 1-19-3.210 (*Special Exceptions*) and 1-19-8.300 (*Temporary Uses and Structures*) and render a decision on the Applicant’s request.

**Site Maps:**





## GIS Maps







